

**INDEPENDENT FINANCIAL REVIEW PANEL**

**CONSULTATION ON THE EMPLOYMENT**

**OF ASSEMBLY MEMBERS’ STAFF**

**Deadline for responses:**

**5 pm on wednesday 11 March 2015**

**A copy of this consultation document can be accessed on the IFRP website (**[**www.ifrp.org.uk**](http://www.ifrp.org.uk)**), by email (****info@ifrp.org.uk****) or by writing to the IFRP at:**

**Independent Financial Review Panel**

**Room 241**

**Parliament Buildings**

**Ballymiscaw**

**Stormont**

**Belfast**

**BT4 3XX**

**The Consultation Document can be made available in large type on request.**

**10 December 2014**

**Assembly Members are asked to ensure that individual members of their staff have the opportunity to respond to the proposals in this Consultation Document.**

**THE EMPLOYMENT OF ASSEMBLY MEMBERS’ STAFF**

**CONSULTATION DOCUMENT**

**Foreword**

The Independent Financial Review Panel was established in July 2011 to independently set the Pay and Allowances of Members of, and Office Holders in, the NI Assembly. Our remit includes a range of subjects, for example:

* MLAs’ Salaries
* Pensions
* Office Costs Allowance paid to MLAs to support their work in constituencies
* Travel expenses
* Additional Allowances paid to Office Holders within the Assembly and Executive (eg Ministers, Committee Chairs, the Speaker, etc)

The Panel publishes a Determination setting out its assessment of what monies should be paid to members and any restrictions on how they can be paid or spent. We normally only publish one Determination per mandate of the Assembly. Once the Panel publishes its Determination, MLAs have no right of appeal. Enforcement of the rules in the Determination is then a matter for the Assembly Commission which incorporates them into a Handbook for Members setting out detailed financial controls.

We are now starting to develop our plans for the Determination for the next Mandate of the Assembly which is scheduled to begin in May 2016. It is our intention to publish this well in advance of the start of the new mandate so all existing MLAs and those who might consider running for election to the Assembly can see what will be available to them should they be successful.

In developing its Determination the Panel is required to:

* Ensure probity, accountability and value for money with respect to the expenditure of public funds;
* Secure for Assembly members a level of remuneration which fairly reflects the complexity and importance of their functions and does not, on financial grounds, deter people with the necessary commitment and ability from seeking election to the Assembly, and,
* Secure for Assembly members adequate resources to enable them to exercise their functions as members of the Assembly.

In order to inform our deliberations, we plan to carry out research into the way in which monies paid to Assembly Members are used. As part of that process we will look at external benchmarks and undertake a number of consultation exercises. We are currently analysing the results of our first two consultation exercises which were in relation to the Assembly Members’ Pension Scheme and Assembly Members’ Constituency Office Costs. This, the third one, focuses on the expenses available to MLAs to employ staff.

We would be very grateful if you would respond to this consultation exercise and help us to ensure that the monies from the public purse are used appropriately and effectively, that the expenditure represents value for money and importantly that Assembly Members have sufficient resources to fulfil their responsibilities to their constituents. We are particularly interested in hearing from those staff who currently work for Assembly Members.

**PATRICK MCCARTAN CBE, Chairman, Independent Financial Review Panel**

**DR HENRIETTA CAMPBELL CB, Panel Member**

**ALAN MCQUILLAN OBE, Panel Member**

**INTRODUCTION**

This consultation focuses upon issues relating to the employment of support staff by Members of the Northern Ireland Assembly.

Office Costs Expenses are intended to be used to allow Members to pay for support for their work in the Assembly and in their constituencies. It generally covers the cost of employing staff, leasing premises and paying office costs. Office Costs Expenses cannot be claimed without proof of the costs incurred and these expenses, which include the cost of constituency offices, must not be used for party political purposes.

In its 2012 Determination, the Panel reduced the total amount which can be claimed under Office Costs Expenses by 3% per year which was similar to the reductions applied to other areas of public sector expenditure following the 2010 Spending Review. For the financial year 2014/2015, an Assembly Member can claim a total of £69,238 in Office Costs Expenses.

As a result of the extension of the current mandate to 2016, the Panel published a further Determination in June 2014 which reduced the total amount which can be claimed under Office Costs Expenses by a further 3% to £67,161 for 2015/2016.

Whilst preparing its 2012 Report, the Panel concluded that a detailed review of Office Costs Expenditure was required. However, in the time available to it this was not possible. The Panel did make a number of general changes and undertook to carry out a more in-depth review for its Determination for the next mandate. As a result of the initial work undertaken, the Panel has decided to consult separately on the elements of expenditure which come within Office Costs Expenses. One of the main elements of that expenditure relates to the cost of employing Assembly Members’ staff and it is that which is the subject of this consultation.

Currently each Assembly Member decides on the type of staff which he/she employs and how much they will be paid. Each member of staff has a job title and a job description. Staff are selected by the MLA concerned and there does not appear to be a recognised recruitment process; thus it is not possible to demonstrate whether staff have been appointed on merit. Our research has indicated that there is no consistency of job titles or job descriptions. There is also a wide range of salaries for posts which appear to be similar. This inconsistency has led us to the view that the expenditure on Assembly Members’ staff may not represent value for money for the Assembly. Also, and very importantly, it questions the equity of the grading, the level of salaries paid for similar jobs and the selection process. One of our guiding principles is to ensure that staff are treated equally and, fairly and from the information available, we are unable to confirm that this is the case.

In our deliberations relating to Assembly Members’ staff we have focussed on the following:

* The support required by an MLA to assist him/her in the Assembly and in his/her constituency;
* the job descriptions of Assembly Members’ staff;
* the salary costs of Assembly Members’ staff;
* the definition of “connected persons”;
* the employment of “connected persons” by MLAs;
* the employment of Party officials;
* the employment of a Director/Trustee of a company which provides services to the Party or to an MLA, and,
* the pension arrangements for MLAs’ staff.

**CURRENT POSITION REGARDING ASSEMBLY MEMBERS’ SUPPORT STAFF**

MLAs receive Office Costs Expenses which are intended to be used to allow them to pay for support for their work in the Assembly and in their constituencies, including the cost of employing staff. Office Costs Expenses cannot be claimed without proof of the costs incurred and these expenses, which include the cost of constituency offices, must not be used for party political purposes.

In the current financial year 2014/2015, an MLA can claim a total of £69,238 in Office Costs Expenses. This amount will be reduced to £67,161 for 2015/2016.

MLAs are responsible for the recruitment of their staff, together with their Terms and Conditions of Employment, including the salary level at which they will be paid. MLAs are the employers of these staff.

MLAs have varying combinations of full-time and part-time staff. There are 84 separate job titles which include:

* Research Assistant
* Research Officer
* Personal Assistant
* Caseworker
* Secretary
* Office Manager
* Constituency Worker
* Member Support
* Welfare Adviser
* Adviser
* Administrator
* Researcher/Press Officer
* Political Adviser
* Parliamentary and Constituency Assistant
* Parliamentary Assistant/Press Officer
* Assistant Head of Operations/Press Officer

The hourly rates (correct of 2013/2014) paid by MLAs to their staff range from the minimum wage level of £6.31 to £33.75.

The following graph and table illustrate the range of salaries paid to staff. The table highlights the ranges within similar job titles, although not necessarily similar job descriptions:

**Distribution of support staff hourly pay (£)**



|  |  |  |  |
| --- | --- | --- | --- |
| **Job Title** | **Minimum Salary per hour****£** | **Maximum Salary per hour****£** | **Variation****per hour****£** |
| Researcher | 6.31 | 27.47 | 21.16 (335%) |
| Office Manager | 6.49 | 16.03 | 9.54 (147%) |
| Secretary | 6.46 | 18.48 | 12.02 (186%) |
| Personal Assistant | 6.35 | 33.75 | 27.40 (431%) |

These clearly demonstrate the lack of consistency in the type of staff employed and also the salaries which they receive. There are currently 337 posts occupied by 318 individual staff with 84 separate job titles (correct as of 31 March 2014).

The following paragraphs describe our proposals, together with the rationale for our conclusions. Our overarching aims are to ensure that:

* MLAs have the support appropriate to them as members of the Assembly.
* MLAs’ staff are treated with fairness and equity.
* All proposals have regard to the need to demonstrate value for money in the use of public money.

**PROPOSALS FOR 2016/2020 MANDATE**

**Proposal 1: Number of staff per MLA and Job Descriptions**

The Panel considered placing an upper limit on the number of full-time equivalent staff which each MLA can employ. However, it was thought that this would be regarded as too prescriptive.

Instead, the Panel is proposing that Assembly Members should still be permitted to choose how many staff they wish to employ and whether these should be full-time or part -time staff but:

* these posts should be selected from the list of approved grades set out below.
* Each post will have a specific standardised job description, details of which are contained in Appendix 1 of this document.
* Each post /grade will have a standardised salary band for that role.

We have considered research from other legislatures and data from across the wider public and private sector in Northern Ireland before arriving at the posts and salary bands set out below. It is clear that consistency is required throughout the pay scales. Currently, some staff are paid at a rate below that appropriate to the competency and skills for the job they perform. Additionally it would appear that some staff are paid in excess of the market rate for the job.

The Panel is also mindful of the fact that MLAs largely publicly support the living wage rather than minimum wage but that has not been reflected in the wages paid to many of their staff. The aim is to ensure consistency and fairness for staff whilst ensuring that MLAs can decide on the level of support which they require and that which is affordable. We consider that to attract appropriately skilled staff to deliver high quality services to constituents, the starting point for salaries for MLAs’ staff should be set at the Living Wage (currently £7.85 per hour) in Northern Ireland ,or above.

The Panel is proposing that the grades of staff from which Members can select and the salaries at which they can be paid are as follows:

**Grade Salary band**

Assembly Constituency Assistant £15.1k - £18k per annum.

 £7.85 - £9.35 per hour.

Assembly Constituency Office Manager £18.9k - £22k per annum.

 £9.82 - £11.83 per hour.

Policy/Research/Comms Officer to MLA £23.1k - £27.5k per annum.

 £12.00 - £14.29 per hour.

(The hourly rate is based on a full time post equating to 37 hours per week.)

The Panel is proposing that the maximum amount which an MLA can claim per year from Office Costs Expenses, in relation to staff salary costs, will be £50k. From this allowance it is proposed that an MLA can pay for up to a maximum 80 hours support per week. An initial set of draft Job descriptions is attached at Annex A.

We are minded that each MLA will be required to assimilate existing staff into these job roles and pay scales within the overall cash limit.

**Merit principle**

The Panel has been giving consideration to the processes for the recruitment and selection of Assembly Members’ support staff. The Panel is of the view that support staff should be recruited on the basis of merit and that all recruitment and selection procedures should be open and transparent.

Additionally, consideration is being given to a centrally supported recruitment and selection process for constituency support staff. This, in essence, would further ensure the application of the merit principle.

**Question**

**1.1 Is the proposed list of staff and the associated job descriptions and salaries appropriate to an Assembly Member’s requirements?**

 **YES/NO**

 If “no”, please state why you disagree and indicate any duties/responsibilities which you feel should be added to the list.

|  |
| --- |
|  |

**1.2 Do you think that the suggested maximum amount available for staff salaries is reasonable?**

 **YES/NO**

 If “no”, please state why you disagree and indicate what you consider to be a reasonable amount.

|  |
| --- |
|  |

**1.3 Do you think the application of the merit principle to the recruitment and selection of support staff is appropriate?**

**YES/NO**

 If “no”, please state why you disagree.

|  |
| --- |
|  |

**Proposal 2: Staff Bonuses**

The Financial Assistance to Members’ Handbook states that:

*“If a Member wishes to give recognition to specific work undertaken or additional duties carried out, a modest ad hoc payment to support staff may be made. Such exceptional payments must only be made as part of a formal performance recognition scheme or in support of additional duties being undertaken by the support staff employee. Any performance recognition scheme should define the criteria under which additional payments will be made. They must not exceed £500 per annum for full time equivalent employees, i.e. for staff who work less than 37 hours a week, the £500 limit will be reduced on a proportionate basis.”*

The Panel considers that staff bonuses are divisive and unnecessary and may result in unequal treatment of staff. It is the Panel’s view that the practice of paying staff bonuses should cease and instead staff should be paid a fair rate for the job they do.

**Question**

**2.1 Do you agree that the payment of staff bonuses should cease?**

 **YES/NO**

**Proposal 3: Employment of “connected persons”**

The Panel Determined in 2012 that Assembly Members may continue to employ one “connected person” in the new mandate.

Since the introduction of this restriction in its March 2012 Determination, the Panel has noted that some Assembly Members are employing the family member of another MLA.

The Panel has recommended that an Assembly Member who employs a “connected person” or a “connected person” of another Assembly Member should be required to declare this in his/her Register of Members’ Interests.

**Question**

**3.1 Do you agree that Assembly Members should be permitted to employ one “connected person”?**

 **YES/NO**

 If “no”, please state why you disagree.

|  |
| --- |
|   |

**3.2 Do you agree that “connected persons” should be required to compete for a job in open competition?**

 **YES/NO**

 If “no”, please state why you disagree.

|  |
| --- |
|   |

**3.3 Do you agree that MLAs should be required to make a declaration in the Register of Interests if they employ a “connected person” or a “connected person” of another Assembly Member?**

**Eg. Trustees, Company Directors, Local Councillors, Party Office Holders, Landlords or anyone who benefits financially from any OCE expenses claimed by an Assembly Member.**

 **YES/NO**

 If “no”, please state why you disagree.

|  |
| --- |
|   |

**3.4 Employment of Local Councillors by MLAs.**

 **Do you agree that there is a conflict of interest when a Local Councillor works within an Assembly Member’s office?**

**YES/NO**

If “no”, please state why you disagree.

|  |
| --- |
|   |

**3.5 Should Assembly Members be allowed to employ Local Councillors out of OCE funds?**

**YES/NO**

If “no”, please state why you disagree.

|  |
| --- |
|   |

**3.6 Employment of Lobbyists**

**Do you agree that lobbyists employed by Assembly Members and funded from OCE should be listed by the Member in a prior disclosure for Office Cost Expenditure.**

**YES/NO**

If “no”, please state why you disagree.

|  |
| --- |
|   |

**Proposal 4: Staff “pooling” arrangement**

Following the publication of the Panel’s Report and Determination in March 2012, it became apparent that some Assembly Members had misinterpreted the paragraph in the Determination which deals with contracts with “connected persons”. The definition of “connected person” includes a political party of which the Assembly Member is a member.

The Panel accepted that, as drafted, its Determination left room for misinterpretation and it immediately sought to address this loophole. It spent a considerable amount of time exploring options for resolving this issue, including consultations with MLAs and political parties. In December 2012, the Panel issued a revision to the March 2012 Determination which clarified the existing ambiguity and also enabled Members to share specialist staff. This “staff pooling” was only intended to be a temporary arrangement which would remain in place until the end of the mandate.

The Panel is considering whether the “pooling“ arrangement whereby staff are shared amongst a number of Assembly Members in the same Party should be abolished or should remain in place. Its preference is that this arrangement should cease at the end of the current mandate but it wishes to first formally consult on this.

**Question**

**4.1 Do you think that the “staff pooling” arrangement should:**

**(a) cease at the end of the mandate?**

 **YES/NO**

 **(b) remain in place?**

 **YES/NO**

 If you would prefer another option please state this below.

|  |
| --- |
|   |

**Proposal 5: Assembly Members’ staff pensions**

With the arrival of auto enrolment in May 2016, the Panel is considering arrangements which could be put in place to facilitate Assembly Members’ staff. This includes an independent central scheme to which employers’ and employees’ contributions could be paid and which would offer the maximum benefits to Assembly Members’ staff.

**Question**

**5.1 Please state whether you would welcome such a scheme in principle.**

 **YES/NO**

 If “no”, please state which type of option you would prefer.

|  |
| --- |
|   |

**5.2 To help us evaluate your response please indicate if you are an MLA, MLA staff member or another person**

|  |
| --- |
|   |

**Should you wish to respond electronically, please download the consultation proposals by clicking on the following link or by typing it into your browser** <http://nia1.me/2d6>

**Alternatively you may send your response to:**

**Independent Financial Review Panel**

**Room 241, Parliament Buildings**

**Ballymiscaw**

**Stormont**

**Belfast BT4 3XX**

**E-mail:** **info@ifrp.org.uk**

**You may wish to note that the names of respondees and, in some cases, the full response, will be published unless you indicate when you submit your response that you do not wish this to happen.**

**NAME:……………………………………………………………….**

**ORGANISATION (IF APPLICABLE):……………………………**

**………………………………………………………………………..**

**ADDRESS:………………………………………………………….**

**………………………………………………………………………………….**

**It is not essential to include your details. You may respond anonymously if you prefer to do so.**

**NEXT STEPS**

The Independent Financial Review Panel invites your views on the proposals listed above and any other additional comments which you wish to make. The responses and comments will help inform our decisions for our next Determination.

**CONSULTATION RESPONSES**

**The deadline for responses to this consultation is 5PM ON 11 march 2015. Responses received after this date may not be considered.**

**DISCLOSURE OF INFORMATION**

The Independent Financial Review Panel may publish, or make available on request, any information provided to it in relation to this consultation exercise. In line with the provisions of the Data Protection Act 1998, information containing personal data will not be disclosed. You should be aware that your response, or an extract from it, may appear in a Report or may be included on a list of evidence submitted. In the event of a request under the Freedom of Information Act 2000, it may be necessary to disclose information which you provide.

If you are providing any information, other than personal data, which you feel is not suitable for public disclosure, you should identify that information and provide a reasoned argument against its disclosure. The Independent Financial Review Panel will take this into account when publishing information or when responding to requests for information.

**CONTACT DETAILS**

Independent Financial Review Panel

Room 241

Parliament Buildings

Ballymiscaw

Stormont

Belfast

BT4 3XX

Telephone: (028) 90521930

E-mail: info@ifrp.org.uk

 **ANNEX A**

**JOB DESCRIPTIONS OF ASSEMBLY MEMBERS’ STAFF**

**Assembly Constituency Assistant**

* Providing general admin support (typing, emails, phone calls, distributing mail, filing, photocopying, etc.)
* Assisting with MLA's diary management
* Making travel arrangements and managing day to day accounts
* Keeping records of all transactions involving MLA's expenditure
* Ordering and managing stationery stock/office equipment
* Assisting in preparing for visits, events, questions and motions
* Attending meetings/conferences as required
* Organising and providing secretarial support for meetings
* Writing minutes of meetings
* Updating/maintaining databases
* Managing and monitoring incoming calls and enquiries
* Gathering relevant information to assist with resolving cases
* Providing information/advice to constituents on range of issues
* Drafting letters/correspondence
* Identifying local community groups/key contacts
* Managing and progressing portfolio of casework appropriately
* Ensuring enquiries are dealt with sensitively and confidentially
* Retaining records and information confidentially and in line with the Data Protection Act
* Other duties as required in support of the MLA carrying out their Assembly duties

**Assembly Constituency Office Manager**

* Contributing to strategic planning
* Developing and implementing office systems/procedures
* Responsibility for ensuring that office is fully equipped
* Managing the office team, ensuring accurate personnel records are kept and notifying HR of contractual changes as necessary
* Responsibility for staff training and recruitment
* Responsibility for managing all aspects of budget and contracts, keeping the Member informed of all relevant financial matters
* Responsibility for efficient data and file management to comply with Data Protection
* Monitoring Assembly legislation and debates
* Maintaining up-to-date knowledge of relevant legislation
* Overall management of the Member's diary commitments, delegating tasks to others as appropriate
* Planning and organising events
* Assisting MLA in preparing for visits, events, questions and motions.
* Providing secretarial support for meetings as required
* Building relationships with business, community and other groups in constituency
* Liaising with groups within the constituency and the general public on the Member's behalf as necessary
* Responding to correspondence and enquiries from constituents, the media, lobbyists and pressure groups
* Dealing with complex queries and complaints on Member's behalf, including drafting and signing letters
* Gathering relevant information to resolve or progress cases
* Liaising with Government agencies, voluntary sector and others to resolve constituency matters
* Attending surgeries, tribunals and meetings as appropriate
* Ensuring all casework is logged; monitoring progress and ensuring all identified actions are taken
* Ensuring that enquiries are dealt with sensitively and confidentially
* Other duties as required in support of the MLA carrying out their Assembly duties

**Policy/Research/Communications Officer to MLA**

* Liaising effectively with all sections of the media including political and specialist journalists, editors and other spokespeople for external organisations as appropriate
* Drafting press releases, monitoring and arranging media coverage
* Identifying media/press opportunities and advising on press strategy
* Updating/maintaining internet social networking media
* Planning and organising press conferences/media events
* Preparing newsletters/mailshots/publicity material
* Establishing personal networks/attending conferences
* Monitoring events in Assembly and ensuring MLA is fully briefed on potential questions and motions to be put to the House
* Conducting research/providing research briefing
* Developing knowledge in relevant legislation and policy
* Developing Private Members' Bills
* Preparing and developing motions and Assembly Questions
* Drafting speeches/briefing papers
* Preparing material for meetings/conferences
* Providing rapid, accurate and detailed research on a wide range of devolved policy issues to deliver written and oral briefings as required
* Reviewing professional publications/participating in professional societies
* Liaising with think-tanks, government departments and agencies, voluntary groups and other external groups.
* Analysing, evaluating and interpreting data to ensure Member is accurately informed on key issues
* Providing policy analysis and advice
* Responding to correspondence and enquiries from constituents, the media, lobbyists and pressure groups
* Analysing patterns of enquiries and producing reports
* Attending surgeries and other meetings as appropriate
* Supervising/managing staff where appropriate
* Leading on project work as required
* Other duties as required in support of the MLA carrying out their Assembly duties